

Appl. Serial No. 10/001,407
Response dated Jan. 7, 2004
Reply to Office Action of Nov. 12, 2003

REMARKS

Applicant acknowledges receipt of the Communication mailed November 12, 2003.

Claims 1-54 have been canceled and Claims 57-90 have been added by this Preliminary Amendment. New Claims 57-78, which recite limitations on the primer component of the kit defined by the elected claims, correspond essentially to canceled Claims 1-20 and 22-24. Notably, the limitation set forth in canceled Claim 21 is inherent in elected Claim 56. New Claims 79-90, which recite limitations on the probe component of the kit defined by the elected claims, correspond essentially to canceled Claims 31-42. Support for these amendments can be found in the original claims, and in the Specification, for example, beginning on page 31 at line 23 and extending through line 9 of page 32.

Claims 55 - 90 will be pending after entry of the present Amendment.

Entry of this Amendment is respectfully requested.

Conclusion:

Applicant requests entry of this Response to Restriction Requirement and Preliminary Amendment. The present Application is now believed in condition for examination on the merits. Such examination is respectfully requested. Should there be any remaining questions concerning the application, the Examiner is requested to contact the undersigned at the telephone number appearing below.

Respectfully submitted,
GEN-PROBE INCORPORATED

Dated: Jan. 7, 2004

By: 

Michael J. Gilly
Registration No. 42,579
Agent of Record
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, CA 92121
(858) 410-8657